

## COON RAPIDS CITY COUNCIL MEETING MINUTES OF DECEMBER 6, 2016

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### CALL TO ORDER

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The first regular meeting of the Coon Rapids City Council for the month of December was called to order by Mayor Jerry Koch at 7:00 p.m. on Tuesday, December 6, 2016, in the Council Chambers.

### PLEDGE OF ALLEGIANCE TO THE FLAG

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Mayor Koch led the Council in the Pledge of Allegiance.

### ROLL CALL

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Members Present: Mayor Jerry Koch, Councilmembers Denise Klint, Ron Manning, Wade Demmer, Brad Johnson and Steve Wells

Members Absent: Councilmember Jennifer Geisler

### ADOPT AGENDA

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MOTION BY COUNCILMEMBER WELLS, SECONDED BY COUNCILMEMBER MANNING, TO ADOPT THE AGENDA AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

### PROCLAMATIONS/PRESENTATIONS

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None.

### APPROVAL OF MINUTES OF PREVIOUS MEETINGS

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1. NOVEMBER 15, 2016, SPECIAL MEETING
  2. NOVEMBER 15, 2016, COUNCIL MEETING
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MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER JOHNSON, FOR APPROVAL OF THE MINUTES OF THE NOVEMBER 15, 2016, SPECIAL MEETING. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER WELLS, SECONDED BY COUNCILMEMBER KLINT, FOR APPROVAL OF THE MINUTES OF THE NOVEMBER 15, 2016, COUNCIL MEETING. THE MOTION PASSED UNANIMOUSLY.

CONSENT AGENDA/INFORMATIONAL BUSINESS

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3. ADOPT RESOLUTION 16-129, AMENDING THE RECYCLING CENTER BUDGET FOR THE PURCHASE OF ADDITIONAL CARTS
  4. APPROVE FINAL PAYMENT FOR PROJECT 15-3, STREET RECONSTRUCTION
  5. APPROVE FINAL PAYMENT FOR PROJECT 15-1, STREET RECONSTRUCTION
  6. ADOPT RESOLUTION 16-130 MISCELLANEOUS ASSESSMENT ABATEMENT (1232 98<sup>TH</sup> LANE)
  7. APPROVE FINAL PAYMENT FOR PROJECT 15-20, 2016 PARK REDEVELOPMENT PROJECTS
  8. APPROVE CONTRACT EXTENSION WITH TOKLE INSPECTIONS FOR ELECTRICAL INSPECTIONS
  9. ADOPT RESOLUTION 16-133, AUTHORIZING PURCHASE OF TWO (2) NEW ROOFTOP HEAT UNITS FOR PUBLIC COMMUNICATIONS
  10. APPROVE 2017 BUSINESS LICENSE RENEWALS
  11. ACCEPT INFORMATION ITEM: CORPORATE OFFICER CHANGES FOR BUSINESS LICENSES
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MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER KLINT, FOR APPROVAL OF THE CONSENT AGENDA AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING

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12. HOLD CURRENCY EXCHANGE LICENSE PUBLIC HEARING AND CONSIDER LICENSE APPLICATION FOR YOUR EXCHANGE
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The Staff report was shared with Council.

Councilmember Demmer asked if this license was approved on a yearly basis. City Clerk Lenzmeier reported this was the case.

Mayor Koch opened the public hearing at 7:05 p.m.

Scott Bennett, owner of SJB Enterprises, Inc., provided the Council with background information on who he was and what he does. He noted the various addresses his business has been located at in Coon Rapids, stated he currently had five locations. He was excited to report his corporate office would be moving to Coon Rapids Boulevard.

Mayor Koch closed the public hearing at 7:08 p.m.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER WELLS, TO CONCUR WITH THE MINNESOTA DEPARTMENT OF COMMERCE APPROVAL OF

THE 2017 CURRENCY EXCHANGE LICENSE FOR SJB ENTERPRISES INC., DBA YOUR EXCHANGE, 3070 COON RAPIDS BOULEVARD. THE MOTION PASSED UNANIMOUSLY.

13. CONSIDER RESOLUTION 16-132 APPROVING MINNESOTA INVESTMENT FUND  
LOAN DOCUMENTS FOR A PROJECT BY RMS COMPANY

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The Staff report was shared with Council.

Mayor Koch opened and closed the public hearing at 7:11 p.m. since no one appeared to address the Council.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT RESOLUTION NO. 16-132 APPROVING MINNESOTA INVESTMENT FUND LOAN DOCUMENTS FOR A PROJECT BY RMS COMPANY. THE MOTION PASSED UNANIMOUSLY.

14. TRUTH-IN-TAXATION HEARING AND ADOPTION OF 2017 BUDGET AND TAX  
LEVY

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The Staff report was shared with Council.

Councilmember Demmer explained the City Council did not set property values. Finance Director Legg reported this was the case.

Mayor Koch opened and closed the Truth-in-Taxation hearing at 7:45 p.m. since no one appeared to address the Council.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT RESOLUTION NO. 16-134 ADOPTING THE 2017 BUDGET. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT RESOLUTION NO. 16-135 ADOPTING THE 2017 TAX LEVY. THE MOTION PASSED UNANIMOUSLY.

BID OPENINGS AND CONTRACT AWARDS

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None.

OLD BUSINESS

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None.

NEW BUSINESS

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15. CONSIDER RESOLUTION 17-6(8) APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS – PROJECT 17-6, 2017 SANITARY SEWER LINING
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The Staff report was shared with Council.

MOTION BY COUNCILMEMBER DEMMER, SECONDED BY COUNCILMEMBER WELLS, TO ADOPT RESOLUTION NO. 17-6(8); APPROVING THE PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR THE 2017 SANITARY SEWER LINING PROGRAM. THE MOTION PASSED UNANIMOUSLY.

16. PC16-26, CONSIDER RESOLUTION 16-131, APPROVING PRELIMINARY AND FINAL PLAT, WOODS AT CROOKED LAKE, 2928 129<sup>TH</sup> AVENUE
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The Staff report was shared with Council.

Councilmember Klint asked if all of the driveways would have access to Crooked Lake Boulevard. Planner Harlicker reported all driveways would be coming off of 129<sup>th</sup>.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION NO. 16-131 APPROVING THE FINAL PLAT FOR WOODS AT CROOKED LAKE WITH THE FOLLOWING CONDITIONS:

1. ALL COMMENTS OF THE CITY ENGINEER BE ADDRESSED.
2. PARK DEDICATION IN THE AMOUNT OF \$6,000 BE PAID PRIOR TO RELEASING THE PLAT FOR RECORDING.
3. ONE STREET TREE PER LOT BE PLANTED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

THE MOTION PASSED UNANIMOUSLY.

17. KEITH KUTER, 10031 NORWAY STREET NW, RENTAL LICENSE DENIAL APPEAL
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Police Chief Wise described the City's rental license procedure and reported staff's recommendation

for the denial was based on the fact the applicant had a criminal conviction. He reviewed the criminal history of Mr. Kuter in detail with the Council.

Mayor Koch questioned when the offenses occurred. Police Chief Wise reported the more serious offense occurred in 2004 and noted Mr. Kuter was still on probation. He explained Mr. Kuter had a probation violation in 2014 for failing to remain law-abiding.

Keith Kuter, 10031 Norway Street NW, thanked the Council for their time. He read a prepared statement to the Council which described his family, work and volunteer history. He noted he grew up in Anoka, graduated first in class from the United States Army Satellite Communication Board in 1999 and stated he was also a felon. He explained that in his 20's he struggled with chemical dependency. He described the events that occurred that led to criminal charges being filed against him.

Mr. Kuter indicated he pled guilty to a second degree possession of drug charge and pled guilty to a pattern of harassing conduct. He commented that this was his way of taking responsibility for his actions, while also getting clean and sober. He explained that his harassing conduct was not domestic assault. He apologized to the Council for his actions but requested reconsideration for his rental license. He stated he served his time and completed all terms of his sentences. He understood how and why he was in the previous situation and was working to repair the relationship he had with his children's mother. He explained that he was working very hard to maintain his recovery over the past 12 years and hoped that his past mistakes would not affect his ability to provide for himself or his children.

Mr. Kuter discussed how his past record has been an obstacle for him in finding gainful employment and housing. He stated one of the proudest moments in his life was purchasing his home on Norway Street. He explained that he had planned to live in this home forever and had made many improvements to the house. However, he met an amazing woman and he would like to rent his home to a nurse practitioner and someday to his mother. He thanked the Council for hearing him out and requested reconsideration of his application.

Councilmember Johnson reviewed City Code regarding rental licenses and asked if the City Attorney viewed any Koskinen Law violation as a bar, despite a resident's best efforts to rehabilitate. City Attorney Brodie advised he viewed there was no rehabilitation from a Koskinen Law violation.

Councilmember Johnson stated he had a difficult time believing that someone convicted of felony terroristic threats or felony theft could not be rehabilitated ever. He questioned if the City should be putting forward an argument of rehabilitation. City Attorney Brodie explained that manner in which staff interpreted the Koskinen Law does not allow for rehabilitation.

Police Chief Wise added that when the Police Department conducts a criminal background check, it does not have the expertise to judge rehabilitation and his advice would be for Mr. Kuter to seek an expungement.

Councilmember Johnson understood this concern and knew an expungement would be the proper route for Mr. Kuter. He asked if it was staff's recommendation to the City Council that they ought not to consider whether there was evidence put forward regarding rehabilitation. City Attorney Brodie stated this was his recommendation and believed this was not a factor.

Councilmember Johnson questioned if there was another alternative for the appellant to rent out his home through a third party that could be licensed with the City. City Attorney Brodie explained City Code does not provide for this option. He explained the City assumes that as the owner of the property, he would have access to the home. He stated the home could be rented to his mother or any other family member.

Councilmember Klint thanked Councilmember Johnson for raising some good points. She recommended the Council take a closer look at City Code to see if some changes or exceptions could be made. However, she stated based on the language within the current code, she could not support a rental license for Mr. Kuter.

Councilmember Wells indicated he would be denying the appeal as well. He discussed the intent of the Koskinen Law and stated Mr. Kuter could transfer the homeownership to his mother in order to rent the home.

Councilmember Demmer commented on the State Koskinen Law and questioned if more than 10 years had passed since the crime was discharged. He understood the City had its own interpretation on this language in that there was no allowance for rehabilitation. Police Chief Wise reported Mr. Kuter received five years of probation and this was discharged in 2010.

Councilmember Demmer stated he had a hard time reading the City Code knowing there was no allowance for rehabilitation given the fact the State Koskinen Law has a 10-year discharge timeframe. He suggested the City Code be no more stringent than State law. He questioned under what grounds the Council could consider an appeal. City Attorney Brodie argued there were not any grounds for an appeal under this offense.

Councilmember Demmer inquired if there was a stay of imposition offense. Police Chief Wise explained there was a 28-month confinement and he was convicted of a felony.

Councilmember Manning asked what Mr. Kuter was charged with in 2014. Police Chief Wise stated Mr. Kuter was charged with a DWI in 2013 and had a repeat offense for driving without a license in 2014. It was noted both of these offenses went against his probation as Mr. Kuter had failed to remain law abiding.

Councilmember Manning did not believe the City had a choice in this matter given the language within City Code. He stated he would be voting to deny the appeal.

Councilmember Johnson explained he saw people come through the criminal justice system every day and he understood how personal this issue was. He appreciated Councilmember Wells

suggestion and encouraged Mr. Kuter to continue to take steps forward. He was in favor of the City Council reviewing the rental license law due to the fact he was not comfortable with the decision he was being forced to make.

MOTION BY COUNCILMEMBER WELLS, SECONDED BY COUNCILMEMBER JOHNSON, TO AFFIRM THE DENIAL OF A RENTAL LICENSE FOR KEITH KUTER, PROPERTY OWNER OF 10031 NORWAY STREET NW.

Councilmember Johnson agreed this portion of City Code should be revisited by the Council to allow for a third path for those on the road to rehabilitation.

Mayor Koch agreed.

THE MOTION PASSED 5-1 (DEMMER OPPOSED).

Mr. Kuter thanked the Council for their consideration and stated he would continue to work hard to prove himself to the City.

#### OPEN MIC/PUBLIC COMMENT

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Mayor Koch reviewed the rules of order for the Open Mic/Public Comment portion of the meeting.

#### REPORTS ON PREVIOUS OPEN MIC

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None.

#### OTHER BUSINESS

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Councilmember Johnson presented the Mayor and the City of Coon Rapids with a Certificate of Appreciation from the North Star Corridor Development Authority. He read the certificate in full for the record.

Councilmember Klint was pleased a new sign had been posted at Sand Creek.

Mayor Koch stated he attended the grand opening ceremony of Hope for Youth yesterday. He explained their new facility could house 12 youth and would assist them through their homelessness situation.

Mayor Koch requested plowing updates be provided on the City's website. Public Works Director Himmer stated the City had a Snow Plow hotline but indicated he could also work to update the

City's website.

Councilmember Klint believed it was a disaster to not plow the cul-de-sacs during the recent snow event, especially given the fact the event occurred over a holiday weekend. She stated she would rather have extra snow in her driveway than on the entire street. Public Works Director Himmer discussed the numerous calls and complaints he received from cul-de-sac homeowners. He stated it was his call to leave the snow on the cul-de-sacs after the recent snow event given the fact it was 50 degrees for several days following the event.

City Manager Stemwedel reminded the Council there would be no worksession meeting on December 13<sup>th</sup>. He reported there would be a reception for outgoing City Councilmembers at 6:00 p.m. on December 20<sup>th</sup>.

City Manager Stemwedel thanked the Finance Department for all of their hard work on the 2017 budget.

City Manager Stemwedel noted there would be a special holiday skating event at the Coon Rapids Ice Center on Sunday, December 18<sup>th</sup> from 5:30 to 7:30 p.m.

Bunker Hills Golf Director Anderson hoped the golf course would be covered with snow soon blanket the course so could welcome cross country skiers. He reminded the public that the clubhouse was open for breakfast every weekend.

Fire Chief Piper reported the Fire Department was participating in the Tiny Tots Toy Drive for Mercy Hospital. He indicated donations could be made at Fire Station #3.

#### ADJOURN

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MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER WELLS, TO ADJOURN THE MEETING AT 8:34 P.M. THE MOTION PASSED UNANIMOUSLY.

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Jerry Koch, Mayor

ATTEST:

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Joan Lenzmeier, City Clerk